

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHERI M. WELCH,)	
)	
Plaintiff,)	Civil Action No. 09-1017
)	
v.)	Judge Fischer
)	Magistrate Judge Bissoon
TRI RIVERS CONSULTING)	
SERVICES, INC., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Defendants’ Motion to Strike (*see* **Doc. 32**) is **DENIED**. Plaintiff has not placed into the record any testimony or other evidence regarding Dr. William Zellweger, and, under the circumstances, there is nothing to “strike.” *Cf. generally* L.Cv.R. 5.4.A (discovery materials are not filed with Clerk except by order of court).

Defendants’ Motion *In Limine* regarding Dr. Zellweger (*see* **Doc. 32**) is **DENIED WITHOUT PREJUDICE**. Motions *in limine* generally are disfavored, and, otherwise, the Court declines to reach Defendants’ arguments through the context of discovery. *See Stewart v. Hooters of Amer., Inc.*, 2007 WL 1752838, *1 (M.D. Fla. Jun. 18, 2007) (motions *in limine* are appropriate “only if the evidence is clearly inadmissible for any purpose,” and “evidentiary rulings [should] be deferred until . . . questions of foundation, relevancy, and prejudice [may] be resolved in [a proper] context”) (citation omitted); *see also, e.g., Pedroza v. Lomas Auto Mall, Inc.*, 2009 WL 1562751, *1 (D. N.M. May 15, 2009) (motion *in limine* premature where subject matter was issue of ongoing discovery).

Finally, Defendants' alternative request for additional discovery (*see* **Doc. 32**) is **GRANTED**, and discovery is extended until **August 16, 2010**. Discovery shall be limited to Defendants' designation of rebuttal expert(s), and the taking of expert depositions (including the continued deposition of Dr. Zellweger). The Status Conference set for July 27, 2010 at 2:15 p.m. is **RESCHEDULED** for **September 1, 2010 at 10:00 a.m.**, and all other provisions of the Case Management Order dated December 9, 2009 (Doc. 20) shall remain in effect.

IT IS SO ORDERED.

July 14, 2010

s/Cathy Bissoon
Cathy Bissoon
United States Magistrate Judge

cc (via ECF email notification):

All Counsel of Record